

REMARKS

Applicants hereby respectfully submit a Request for Continued Examination (RCE). In an accompanying paper, Applicants have respectfully petitioned the Commissioner to withdraw U.S. Application Serial No. 10/091,258 ('258 application) from issue pursuant to 37 C.F.R. § 1.313(c)(2).

On 22 March 2006, Applicants submitted a Supplemental Information Disclosure Statement (IDS) in compliance with the duty of disclosure set forth in 37 C.F.R. 1.56. Each item contained in the Supplemental IDS had been cited in a communication from a foreign patent office regarding a foreign application. However, because this Supplemental IDS was submitted after payment of the issue fee, for proper consideration of these references, it is appropriate to submit a petition for withdrawal from issue and a request for continued examination of this application. Applicants are re-submitting for consideration the references cited in the Supplemental IDS submitted on 22 March 2006.

As shown in the Amendments to the Specification, Applicants have amended the "Cross Reference to Related Applications" section of the specification to reflect that the issuance of U.S. Patent No. 6,982,248 on 3 January 2006, of which the '258 Application is a continuation-in-part.

On 14 February 2005, a Notice of Allowance was issued on the '258 Application. A listing of the allowed claims appears on page 3-4 of this communication. Applicants note that a simple typographical error appears in claims 1 and 2, i.e., the phrase "suppressing food intake," is repeated (indicated using strikethrough text in the listing of allowed claims). No new matter has been added with these amendments. Applicants respectfully submit that amended claims 1-11 remain patentable.

In view of the foregoing amendments and remarks, Applicants respectfully petition the Commissioner to withdraw the above-captioned application from issue under 37 C.F.R. § 1.313(c) and to consider the herein filed RCE prior to issuance. Applicants believe all claims

presently under consideration to be in a condition for allowance and request issuance of a Notice of Allowance at the Examiner's earliest convenience.

Should the Examiner have any remaining questions regarding the subject invention or its patentability, Applicants encourage the Examiner to contact the undersigned to discuss any issues remaining.

The fees necessary for this submission are included herewith. However, if any additional fee is due, the Commissioner is hereby authorized to charge payment of any fees associated with this communication, to Applicant's Deposit Account No. 010535. Additionally, the Commissioner is hereby authorized to charge payment or credit overpayment of any fees during the pendency of this application to Applicant's Deposit Account No. 010535.

Respectfully submitted,
AMYLIN PHARMACEUTICALS, INC.

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By: 

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